

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DOUGLAS MCKISSICK,

Plaintiff,

v.

Case No.: 2:20-cv-801-SPC-MRM

MARKS CABINETRY SERVICES,
INC.,

Defendant.

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OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 52](#)). Judge McCoy recommends granting the Amended Joint Motion for Approval of Settlement and Motion to Dismiss the Case with Prejudice ([Doc. 46](#)), approving their FLSA Settlement Agreement, Waiver, and Release ([Doc. 46-1](#)), and approving their Waiver and Release Agreement ([Doc. 46-2](#)). The parties filed a Joint Notice of Non-Objection to the Report and Recommendation. ([Doc. 54](#)).

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or

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in part,” the magistrate judge’s R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that a district judge review the R&R *de novo*. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don’t object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., [Symonette v. V.A. Leasing Corp.](#), 648 F. App’x 787, 790 (11th Cir. 2016); [Thomas v. Arn](#), 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” [Farley v. Nationwide Mut. Ins.](#), 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. It thus accepts and adopts the Report and Recommendation ([Doc. 52](#)) in full.

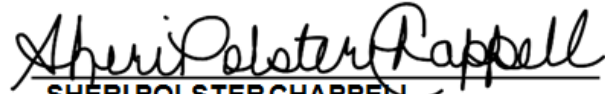
Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 52](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. The Amended Joint Motion for Approval of Settlement and Motion to Dismiss the Case with Prejudice ([Doc. 46](#)) is **GRANTED** and the FLSA Settlement Agreement, Waiver, and Release ([Doc. 46-1](#)) and the Waiver and Release Agreement ([Doc. 46-2](#)) are **APPROVED**.

3. This action is **DISMISSED with prejudice**.
4. The Clerk of Court is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and ORDERED in Fort Myers, Florida on December 1, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record